

Before The Federal Communications Commission
In the matter of Docket 02-277
and Petition for Rule Making

Title: "Limits the number of radio/TV stations & other media one can own"

Solutions are available on the problem of concentration of media ownership.

If the Commission desires to increase the ownership concentration, it should balance this policy with a reinstatement of the "Fairness Doctrine."

I see no threat to the public interest or problem to an additional concentration of ownership so long as:

(1) the standards on competition set by the Federal Trade Commission and the laws passed by Congress on competition are maintained, and

(2) the public is assured of an opportunity for reasonable balance of viewpoints on controversial issues of public importance that are aired.

Those who are concerned about concentration of ownership often focus their comments on the impact of political views that one owner could transmit to the public.

It is my view that reinstating the Fairness Doctrine, as it has existed before, would resolve this. It would serve as a reasonable compromise.

An illustration:

On listening to the "Rush Limbaugh" radio program, and hearing something I disagree with, I would like the ability to key up a transmitter on the same frequency and state my opposing views. I would like to say

"No, Rush Limbaugh, I have a different view"

and explain my position.

I am prohibited from doing this by the regulatory scheme that provides for licensing. I do not have a license, so there is a prior restraint on this communication.

Also, there is no arrangement in place that would require a station to turn off its transmitter, so I could use my transmitter, even in an orderly manner, to state my opposing view.

Such a rule that would allow me to operate my transmitter on the same frequency would be wholly impractical and unreasonable, and would either result in harmful radio frequency interference and/or a reduction in practical service by broadcasters to the public.

The Fairness Doctrine, as previously established, provides an

appropriate compromise. It provides for an orderly procedure for competing viewpoints to be aired on the same broadcast frequency. There is no radio interference or requirement that a station turn off its transmitter while someone else transmits on a frequency. There is no censorship or prior restraint, whether on commentaries by a "Rush Limbaugh" or by those with opposing views. With the Fairness Doctrine, licensees are not required to air every opposing viewpoint. They just need to insure that some balance of views are aired. This is a reasonable compromise, even though we further compromise by omitting the suggestion of requirements that the opposing views would be aired immediately, or simultaneously with the original broadcast.

I am not proposing any censorship on any broadcast commentator. I would not tolerate a prior restraint or censorship on even one word of political content, by Rush Limbaugh or by other commentators.

The Fairness Doctrine provides orderly procedures for additional speech, not less speech.

The Democratic Party's position.

The 2000 Democratic National Convention has called for reinstatement of the Fairness Doctrine, in its Platform. I served on the Platform Committee of this convention, and made this proposal at our Committee meeting in Cleveland, Ohio. I was also personally present when the Convention, meeting in Los Angeles, passed this Platform. I have made a copy of it available on the Internet.

<http://pages.sbcglobal.net/tom.blackwell/>

This position is also found in the Platforms of the Texas Democratic Party, which I also authored.

I find that some of our best legislation is enacted when Democrats and Republicans come together and find common ground. So I invite Republicans to consider this and take the same position that has been adopted by the Democrats.

In addition to input in the proceeding on Docket 02-277, the Commission should consider this as a Petition for Rule Making to reinstate the Fairness Doctrine.

Please also consider:

The FCC has the authority to reinstate the Fairness Doctrine (Meredith Corp. v. FCC).

The Fairness Doctrine has been upheld by the United States Supreme Court (Red Lion Broadcasting Co., Inc. v. FCC). I understand that the argument I have presented in the above illustration was not specifically considered in that case, or in other proceedings involving this issue.

The additional speech required by the Fairness Doctrine can be sponsored by commercial advertisers, at the option of the licensee and the advertisers.

Re-establishing the Fairness Doctrine will cause a better relationship

between broadcasters and those who are involved in public affairs in a local community.

Some participants in FCC proceedings misunderstand the Fairness Doctrine. Some read things into it that just aren't there. The Commission should proceed with caution on evaluating statements by those who do not understand this issue. It is not a perfect solution, but a substantial step in the right direction for service of the public interest, at a time when some are proposing additional concentration of media ownership. With this, the issues of ownership concentration and content can be separated.

I grew up in Dallas, Texas during the years that Gordon McLendon operated KLIF - 1190. The station was so popular that ratings showed over 50% of the radio audience was tuned to this station. This appears to be the kind of total audience that some who propose additional ownership concentration desire, using several stations and licenses to establish it. I feel that the political balance that was exhibited on the air on KLIF in those years helped, rather than hindered, its financial success and public support. I enjoyed listening to Gordon McLendon's robust editorials, and to the responses provided by others that were aired.

With the Fairness Doctrine in place, the concerns that have been well stated by others in opposition to concentration of media ownership can be substantially resolved.

Respectfully submitted,

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(Note: As I write this on the morning of May 30, there have been a number of new reports in the news media on these matters that require public comment. These reports to the public with comments of various public officials seem to change daily, and even hourly, as they are broadcast.)